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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 14

Application Number: 09/583,346
Filing Date: May 31, 2000
Appellant(s): DUTTA, RABINDRANATH

Andrew J. Dillon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 20, 2003.

1. **Real part in interest**

   A statement identifying the real part in interest is contained in the brief.

2. **Related Appeal and interferences**

   A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

3. **Status of Claims**

   The statement of the status of the claims contained in the brief is correct.

4. **Status of Amendments After Final**

   The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

5. **Summary of Invention**

   The summary of invention contained in the brief is correct.

6. **Issues**

   The appellant's statement of the issues in the brief is correct.

7. **Grouping of Claims**

   The grouping of claims contained in the brief is correct.

8. **Claims Appealed**

   The copy of the appealed claims contained in the Appendix on page 10, of the brief is correct.

9. **Prior Art of Record**

US 5,831,664	Wharton et al.	11-1998
US 5,973,664	Badger, Alan E.	10-1999

10. **Ground of Rejection**

The grounds of rejection from previous office action dated April 07, 2003 are still maintained (see pages 7-15 of this document).

11. Response to Argument on page 5 of Appeal brief:

a. Regarding to claims 28-30 rejection of 35 U.S.C. 112 first paragraph:

Examiner's position: The invention relates to a method of displaying data on a portable device, and a potable device having a display that have different dimensions (for example: A rectangular, display of PDA or a computer display). And the claim's language of claim 28 is as following: A method for displaying data on a portable device having a display that is significantly larger in a first dimension than in a second dimension, said method comprising the steps of: receiving a data page in the portable device; analyzing the data page; and automatically displaying the data page in either a first orientation or a second orientation within the display in response to the analysis of the data page. From the above claim invention a person skilled in the art should be able to practice the invention, however the main part of the invention (analyzing the data page) is not clear. Applicant fails to show the components of the overall problem that can be more easily dealt with. The examination of the data page analysis with the goal of either improving an existing system/method or designing and implementing a new one. It requires to show mathematically or programmatically procedures. According to MPEP chapter 2100 patentability: II. DETERMINE WHAT APPLICANT HAS INVENTED AND IS SEEKING TO PATENT, Prior to focusing on specific statutory requirements, Office personnel must begin

examination by determining what, precisely, the applicant has invented and is seeking to patent, and how the claims relate to and define that invention.

Applicant disagrees with the Examiner's rejection and referred Examiner to see page 7, lines8-20. [Here is the content of page 7, lines 8-20: "Alternatively to or in combination with the preferred software, the internet browser software or display manager software of the portable device itself can automatically determine the best orientation of the display data, and can alternate between the display modes. Figure 3 is a flowchart of a process in accordance with the preferred embodiment of the present invention. Here, the user first requests a web page, or other data page, using the wireless device (step 305). Next, the device receives the requested web page, or a truncated wireless markup language (WML) version of the requested web page (step 310).] . Examiner cannot locate not even a brief engineering procedure or a method that shows mathematically or programmatically of the data page analysis on the mentioned page.

Applicant on page 6, lines 7-19 of the Brief discloses information that cannot be found in the specification!

Examiner's rejection of claims 28-30 under 35 U.S.C. 112 first paragraph, is well founded and the rejection is still maintained.

12. Response to Argument on page 7 of Appeal brief:

a. Regarding rejected claims 2-8, 11, 12, 14-17, 20, 21, 23-26 and 28-30 under 35 U.S.C. 102(b).

Applicant on page 7, lines 11-14, discloses that the Examiner has failed to note that portion of the reference Wharton et al. do not automatically displaying the data page in either a first orientation or a second orientation. In contrast, the reference Wharton et al. disclose in col. 7,

lines 21-24, that the PDA can be dynamically (meaning: automatically displaying the data page in either a first orientation or a second orientation) reconfigured to offer different options and buttons for controlling both the content of the information on the PDA as well as what is shown on the TV. Examiner requests the board to consider that the reference Wharton et al. display data page shown on the TV (with much larger display area and different format data) on the PDA (portable device with small display area) device. Furthermore, the concept of the claim invention is inherently shown by Wharton et al.'s invention.

Applicant on page 8, lines 4-16 discloses that the display in Wharton et al. is that of an Apple Newton Personal Digital Assist (PDA) and the display in each of the figures within Newton is always oriented in the same manner (see Figs. 3F and 4). Examiner refers Applicant to see Wharton et al. in col. 7, lines 21-24. Furthermore, a data page displays on the PDA device (approximately: height 4.0 inch and width of 3.0 inch) from a TV source (approximately: height 50.0 inch and width of 40.0 inch) see Fig. 5 of Wharton et al..

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 28, 29 and 30 rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The definition and parameters of "analyzing the data page" are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Since after the applicant combined the objected claims (not precisely all the parameters) to their independent claims the emphasis of invention which depends on the parameters of "analyzing the data page" are not known whether is using the options of Landscape or Portrait. Applicant should show how the data page analysis is done in this invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims, 2, 4-8, 11, 14-17, 20, 23-26 and 28-30 rejected under 35 U.S.C. 102(b) as being anticipated by Wharton et al. US 5,831,664 with filling date of Dec. 15, 1995.

1. Claim 28,

As per claim 28, "A method for displaying data on a portable device having a display that is significantly larger in a first dimension than in a second dimension, said method comprising the

steps of: receiving a data page in the portable device; analyzing the data page; and automatically displaying the data page in either a first orientation or a second orientation within the display in response to the analysis of the data page", Wharton et al. hereinafter, Wharton illustrated in Figs. 3 the various display screens available for the mobile interface device in a real estate application. And also in Fig. 6 illustrated the sequence of steps performed by the system of the present invention when the mobile interface device receives a user input signal. Wharton disclosed in (col. 1, lines 27-31) that an interactive terminal allows a user to change a control graphic display based on an input signal from the user. Also Wharton discloses in (col. 1, lines 60-65) that provides a method and system for synchronizing (analysis data page) display of data relating to a pre-determined application between an interactive terminal and a mobile interface device having a display.

2. Claim 2,

As per claim 2, "wherein the data page is received over a wireless connection", Wharton disclosed in (col. 3, lines 30-35), Fig. 1 that communication between the mobile interface device 12 and the set-top transceiver device 16 may be either wireless infra-red technology or wire line communications.

3. Claim 4,

As per claim 4, "wherein the device comprises a display that is significantly larger in a first dimension than in a second direction orthogonal to the first dimension", Wharton illustrated in Fig. 1 the different size of display.

4. Claim 5,

As per claim 5, "wherein the data page is redisplayed in response to a user input", Wharton illustrated in Figs. 3 the save push button key to save the image and redisplay it in response to a user input.

5. Claim 6,

As per claim 6, "wherein the data page is redisplayed after a preset duration", see rejection of claim 5.

6. Claim 7,

As per claim 7, "wherein the portable device is a wireless telephone", Wharton disclosed in (col. 3, lines 30-35), Fig. 1 that communication between the mobile interface device 12 and the set-top transceiver device 16 may be either wireless infra-red technology or wire line communications.

7. Claim 8,

As per claim 8, "wherein the portable device is a personal digital assistant", Wharton disclosed in (col. 3, line 30), Fig. 1 that the portable device is a personal digital assistant (PDA) for transmitting user input signals.

8. Claim 29,

As per claim 29, "The portable data processing system having a processor, write able memory and a display which is significantly larger in a first dimension than in a second dimension, said portable data, processing systems comprising: means for receiving a data page in the portable data processing system; menus for analyzing the data page; anal means for automatically displaying the data page in either a first orientation or a second orientation within the display in response to the analysis of the data page.", Wharton illustrated in Figs. 3 the various display screens available for the mobile interface device in a real estate application. And also in Fig. 6

illustrated the sequence of steps performed by the system of the present invention when the mobile interface device receives a user input signal. Wharton disclosed in (col. 1, lines 27-31) that an interactive terminal allows a user to change a control graphic display based on an input signal from the user. Also Wharton discloses in (col. 1, lines 60-65) that provides a method and system for synchronizing (analysis data page) display of data relating to a pre-determined application between an interactive terminal and a mobile interface device having a display.

9. Claim 11,

As per claim 11," wherein the data page is received over a wireless connection", Wharton disclosed in (col. 3, lines 30-35), Fig. 1 that communication between the mobile interface device 12 and the set-top transceiver device 16 may be either wireless infra-red technology or wire line communications.

10. Claim 14,

As per claim 14, "wherein the data page is redisplayed in response to a user input", Wharton illustrated in Figs. 3 the save push button key to save the image and redisplay it in response to a user input.

11. Claim 15,

As per claim 15, "wherein the data page is redisplayed after a preset duration", see rejection of claim 5.

12. Claim 16,

As per claim 16, "wherein the portable data processing system is a wireless telephone", Wharton disclosed in (col. 3, lines 30-35), Fig. 1 that communication between the mobile interface device

12 and the set-top transceiver device 16 may be either wireless infra-red technology or wire line communications.

13. Claim 17,

As per claim 17, "wherein the portable data processing system is a personal digital assistant", Wharton disclosed in (col. 3, line 30), Fig. 1 that the portable device is a personal digital assistant (PDA) for transmitting user input signals.

14. Claim 30,

As per claim 30, "A computer program product for use within a portable data processing device having a display that is significantly larger in a first dimension than in a second dimension, said computer program product comprising: media readable by the portable data processing device; instructions embodied within the media for receiving a data page within the portable data processing device; instructions embodied within the media for analyzing the data page; and instructions embodied within the media for automatically displaying the data page in either a first orientation or a second orientation within the display in response to the analysis of the data page", Wharton illustrated in Figs. 3 the various display screens available for the mobile interface device in a real estate application. And also in Fig. 6 illustrated the sequence of steps performed by the system of the present invention when the mobile interface device receives a user input signal. Wharton disclosed in (col. 1, lines 27-31) that an interactive terminal allows a user to change a control graphic display based on an input signal from the user. Also Wharton discloses in (col. 1, lines 60-65) that provides a method and system for synchronizing (analysis data page) display of data relating to a pre-determined application between an interactive terminal and a mobile interface device having a display.

15. Claim 20,

As per claim 20, "wherein the data page is received over a wireless connection", Wharton disclosed in (col. 3, lines 30-35), Fig. 1 that communication between the mobile interface device 12 and the set-top transceiver device 16 may be either wireless infra-red technology or wire line communications.

16. Claim 23,

As per claim 23, "wherein the data page is redisplayed in response to a user input", Wharton illustrated in Figs. 3 the save push button key to save the image and redisplay it in response to a user input.

17. Claim 24,

As per claim 24, "wherein the data page is redisplay after a preset duration", see rejection of claim 5.

18. Claim 25,

As per claim 25, "wherein the portable device is a wireless telephone", Wharton disclosed in (col. 3, lines 30-35), Fig. 1 that communication between the mobile interface device 12 and the set-top transceiver device 16 may be either wireless infra-red technology or wire line communications.

19. Claim 26,

As per claim 26, "wherein the portable device is a personal digital assistant", Wharton disclosed in (col. 3, line 30), Fig. 1 that the portable device is a personal digital assistant (PDA) for transmitting user input signals.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3,12 and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Wharton and further in view of Badger US 5,973,664 with filling date of March 19, 1998.

20. Claim 3,

As per claim 3, "wherein the second orientation is a ninety-degree rotation of the first orientation", Wharton teaches in Fig. 9 an example that shows how the PDA 12 can be dynamically reconfigured to offer different options and buttons for controlling both the content of the information on the PDA 12 as well as what is shown on the TV 14. But Wharton dose not teach the ninety-degree rotation.

Badger illustrated in Fig. 1 the first and second orientations with 90-degree rotation.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Badger into Wharton because Badger can accommodate several image orientation modes in a single software driver, and this software driver can be installed on Wharton's system. One advantage is for a remote control interface that can be dynamically reconfigured to correspond with an application. A need also exists for an interactive system that allows a wide range of interfaces to be presented to the user (col. 1, lines 60-67).

21. Claim 12,

As per claim 12, "wherein the second orientation is a ninety-degree rotation of the first orientation", Wharton teaches in Fig. 9 an example that shows how the PDA 12 can be dynamically reconfigured to offer different options and buttons for controlling both the content of the information on the PDA 12 as well as what is shown on the TV 14. But Wharton dose not teach the ninety-degree rotation.

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22. Claim 21,

As per claim 21, "wherein the second orientation is a ninety-degree rotation of the first orientation", Wharton teaches in Fig. 9 an example that shows how the PDA 12 can be dynamically reconfigured to offer different options and buttons for controlling both the content of the information on the PDA 12 as well as what is shown on the TV 14. But Wharton dose not teach the ninety-degree rotation.

Badger illustrated in Fig. 1 the first and second orientations with 90-degree rotation.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Badger into Wharton because Badger can accommodate

several image orientation modes in a single software driver, and this software driver can be installed on Wharton's system. One advantage is for a remote control interface that can be dynamically reconfigured to correspond with an application. A need also exists for an interactive system that allows a wide range of interfaces to be presented to the user (col. 1, lines 60-67).

Conferee

PRIMARY EXAMINER